



General Assembly

January Session, 2009

Amendment

LCO No. 5611

SB0031205611SD0

Offered by:

SEN. COLAPIETRO, 31st Dist.

SEN. HARRIS, 5th Dist.

SEN. MAYNARD, 18th Dist.

REP. PISCOPO, 76th Dist.

REP. URBAN, 43rd Dist.

To: Senate Bill No. 312

File No. 77

Cal. No. 132

***"AN ACT CONCERNING THE SALE OF CIDER AND APPLE WINE
ON THE INTERNET."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (c) of section 30-16 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (c) A manufacturer permit for cider not exceeding six per cent
7 alcohol by volume and apple wine not exceeding fifteen per cent
8 alcohol by volume shall allow (1) the manufacture, storage, bottling
9 and wholesale distribution and sale at retail of such cider and apple
10 wine to permittees and nonpermittees in this state as may be permitted
11 by law; but no such permit shall be issued unless the place or the plan

12 of the place of manufacture has received the approval of the
13 department; and (2) the sale and shipment by the holder of such
14 permit of such cider and such apple wine to persons outside the state
15 and to consumers in this state in the same manner as such sale and
16 shipment is permitted for wine by a farm winery permittee pursuant
17 to subsection (e) of this section. The annual fee for a manufacturer
18 permit for cider shall be one hundred sixty dollars.

19 Sec. 2. Section 30-18a of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective from passage*):

21 (a) An out-of-state winery shipper's permit for wine shall allow the
22 sale of wine to manufacturer and wholesaler permittees in this state as
23 permitted by law and for those shippers that produce not more than
24 one hundred thousand gallons of wine per year, the sale and shipment
25 by the holder thereof to a retailer of wine manufactured by such
26 permittee in the original sealed containers of not more than fifteen
27 gallons per container. For purposes of this section, "wine" shall include
28 cider not exceeding six per cent alcohol by volume and apple wine not
29 exceeding fifteen per cent alcohol by volume.

30 (b) Subject to the provisions of this subsection, an out-of-state
31 winery shipper's permit for wine shall allow the sale and delivery or
32 shipment of wine manufactured by the permittee directly to a
33 consumer in this state. Such permittee, when selling and shipping
34 wine directly to a consumer in this state, shall: (1) Ensure that the
35 shipping labels on all containers of wine shipped directly to a
36 consumer in this state conspicuously state the following: "CONTAINS
37 ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER
38 REQUIRED FOR DELIVERY"; (2) obtain the signature of a person age
39 twenty-one or older at the address prior to delivery, after requiring the
40 signer to demonstrate that he or she is age twenty-one or older by
41 providing a valid motor vehicle operator's license or a valid identity
42 card described in section 1-1h; (3) not ship more than five gallons of
43 wine in any two-month period to any person in this state and not ship
44 any wine until such permittee is registered, with respect to the

45 permittee's sales of wine to consumers in this state, for purposes of the
46 taxes imposed under chapters 219 and 220, with the Department of
47 Revenue Services; (4) pay, to the Department of Revenue Services, all
48 sales taxes and alcoholic beverage taxes due under chapters 219 and
49 220 on sales of wine to consumers in this state, and file, with said
50 department, all sales tax returns and alcoholic beverage tax returns
51 relating to such sales, with the amount of such taxes to be calculated as
52 if the sale were in this state at the location where delivery is made; (5)
53 report to the Department of Consumer Protection a separate and
54 complete record of all sales and shipments to consumers in the state,
55 on a ledger sheet or similar form which readily presents a
56 chronological account of such permittee's dealings with each such
57 consumer; (6) permit the Department of Consumer Protection and
58 Department of Revenue Services, separately or jointly, to perform an
59 audit of the permittee's records upon request; (7) not ship to any
60 address in the state where the sale of alcoholic liquor is prohibited by
61 local option pursuant to section 30-9; (8) hold an in-state transporter's
62 permit pursuant to section 30-19f or make any such shipment through
63 the use of a person who holds such an in-state transporter's permit;
64 and (9) execute a written consent to the jurisdiction of this state, its
65 agencies and instrumentalities and the courts of this state concerning
66 the enforcement of this section and any related laws, rules, or
67 regulations, including tax laws, rules or regulations.

68 (c) The Department of Consumer Protection, in consultation with
69 the Department of Revenue Services, may adopt regulations in
70 accordance with the provisions of chapter 54 to assure compliance
71 with the provisions of subsection (b) of this section.

72 (d) A holder of an out-of-state winery shipper's permit for wine,
73 when advertising or offering wine for direct shipment to a consumer in
74 this state via the Internet or any other on-line computer network, shall
75 clearly and conspicuously state such liquor permit number in its
76 advertising.

77 (e) (1) For purposes of chapter 219, the holder of an out-of-state

78 winery shipper's permit for wine, when shipping wine directly to a
79 consumer in this state, shall be deemed to be a retailer engaged in
80 business in this state as defined in chapter 219 and shall be required to
81 be issued a seller's permit pursuant to chapter 219.

82 (2) For purposes of chapter 220, the holder of an out-of-state winery
83 shipper's permit for wine, when shipping wine directly to a consumer
84 in this state, shall be deemed to be a distributor as defined in chapter
85 220 and shall be required to be licensed pursuant to chapter 220.

86 (f) Any person who applies for an out-of-state winery shipper's
87 permit for wine or for the renewal of such permit shall furnish an
88 affidavit to the Department of Consumer Protection, in such form as
89 may be prescribed by the department, affirming whether the out-of-
90 state winery that is the subject of such permit produced more than one
91 hundred thousand gallons of wine during the most recently completed
92 calendar year.

93 (g) The annual fee for an out-of-state winery shipper's permit for
94 wine shall be two hundred fifty dollars.

95 (h) As used in this section, "out-of-state" means any state other than
96 Connecticut, any territory or possession of the United States, the
97 District of Columbia or the Commonwealth of Puerto Rico, but does
98 not include any foreign country.

99 Sec. 3. (NEW) (*Effective from passage*) (a) A wine festival permit shall
100 allow the holder of a manufacturer permit for a farm winery, issued
101 pursuant to section 30-16 of the general statutes, to participate in a
102 wine festival organized and sponsored by an association that promotes
103 the manufacturing and selling of farm wine in this state or such
104 association's not-for-profit subsidiary. Such association or such
105 association's not-for-profit subsidiary shall not organize and sponsor
106 more than one such wine festival in any calendar year.

107 (b) A wine festival permit shall authorize: (1) The sale and shipment
108 of wine manufactured by the farm winery permittee and sold at such

109 wine festival to persons outside the state; (2) the offering and tasting of
110 free samples of wine to visitors and prospective retail customers for
111 consumption on the grounds of the wine festival; (3) the sale at retail of
112 sealed bottles or other sealed containers of wine for consumption off
113 the grounds of the wine festival; and (4) the sale at retail of wine by the
114 glass or receptacle, provided the glass or receptacle is embossed or
115 otherwise permanently labeled with the name and date of the wine
116 festival.

117 (c) No farm winery permittee may sell, offer or give to any person
118 or entity wine not manufactured by such farm winery.

119 (d) Only one wine festival permit may be issued per calendar year
120 pursuant to this section by the Commissioner of Consumer Protection
121 to each holder of a manufacturer permit for a farm winery. A wine
122 festival permit shall not be effective for more than three consecutive
123 days per calendar year. The fee for a wine festival permit shall be
124 seventy-five dollars.

125 Sec. 4. (NEW) (*Effective from passage*) (a) Notwithstanding the
126 provisions of section 30-18a of the general statutes, an out-of-state
127 person or entity holding a valid permit (1) authorizing the
128 manufacturing of farm wine; and (2) issued by another state may
129 obtain an out-of-state entity wine festival permit, to participate in an
130 out-of-state entity wine festival in this state. The Commissioner of
131 Consumer Protection shall only allow one out-of-state entity wine
132 festival in any calendar year, regardless of the number of out-of-state
133 entities participating in such festival.

134 (b) An out-of-state entity wine festival permit shall authorize in this
135 state: (1) The sale and shipment of wine manufactured by the
136 permittee and sold at such festival to persons outside the state; (2) the
137 offering and tasting of free samples of wine to visitors and prospective
138 retail customers for consumption on the grounds of the wine festival;
139 (3) the sale at retail of sealed bottles or other sealed containers of wine
140 for consumption off the grounds of the wine festival; and (4) the sale at

141 retail of wine by the glass or receptacle, provided the glass or
142 receptacle is embossed or otherwise permanently labeled with the
143 name and date of the wine festival.

144 (c) No out-of-state entity wine festival permittee shall sell, offer or
145 give to any person or entity wine not manufactured by such permittee.

146 (d) No out-of-state entity wine festival permittee shall sell, offer or
147 give to any person or entity wine manufactured by such permittee
148 unless such wine is assigned to a wholesaler permittee in this state.

149 (e) The holder of an out-of-state entity wine festival permit shall
150 disclose to each person who purchases admission to a wine festival in
151 which the holder is participating, at the time of purchase, any
152 restriction or limitation of such admission, including, but not limited
153 to, the maximum number of glasses or receptacles of wine or brandy to
154 which the purchaser is entitled by admission to the wine festival.

155 (f) Only one out-of-state entity wine festival permit may be issued
156 per calendar year pursuant to this section by the Commissioner of
157 Consumer Protection to each person or entity meeting the
158 requirements of subsection (a) of this section. An out-of-state entity
159 wine festival permit shall not be effective for more than three
160 consecutive days per calendar year. The fee for an out-of-state entity
161 wine festival permit shall be seventy-five dollars.

162 Sec. 5. Subsection (a) of section 30-48 of the general statutes is
163 repealed and the following is substituted in lieu thereof (*Effective from*
164 *passage*):

165 (a) No backer or permittee of one permit class shall be a backer or
166 permittee of any other permit class except in the case of any class of
167 airport, railroad, airline and boat permits, and except that: (1) A backer
168 of a hotel or restaurant permit may be a backer of both such classes; (2)
169 a holder or backer of a manufacturer permit for a brew pub, a
170 restaurant permit or a cafe permit may be a holder or backer of any
171 other or all of such classes; (3) a holder or backer of a restaurant permit

172 may be a holder or backer of a bowling establishment permit; (4) a
173 backer of a restaurant permit may be a backer of a coliseum permit or a
174 coliseum concession permit, or both, when such restaurant is within a
175 coliseum; (5) a backer of a hotel permit may be a backer of a coliseum
176 permit or a coliseum concession permit, or both; (6) a backer of a
177 coliseum permit may be a backer of a coliseum concession permit; (7) a
178 backer of a coliseum concession permit may be a backer of a coliseum
179 permit; (8) a backer of a grocery store beer permit may be a backer of a
180 package store permit if such was the case on or before May 1, 1996; (9)
181 a backer of a university permit may be a backer of a nonprofit theater
182 permit; (10) subject to the discretion of the department, a backer of a
183 permit provided for in section 30-33b, may be a backer of any other
184 retail on-premise consumption permit, including those permits
185 provided for in section 30-33b; (11) a backer of a nonprofit theater
186 permit may be a holder or backer of a hotel permit; (12) a holder or
187 backer of a restaurant permit may be a holder or backer of a special
188 outing facility permit; (13) a backer of a concession permit may be a
189 backer of a coliseum permit or a coliseum concession permit, or both;
190 (14) a holder of an out-of-state winery shipper's permit for wine may
191 be a holder of an in-state transporter's permit or an out-of-state entity
192 wine festival permit issued pursuant to section 4 of this act, or of both
193 such permits; (15) a holder of an out-of-state shipper's permit for
194 alcoholic liquor other than beer may be a holder of an in-state
195 transporter's permit; and (16) a holder of a manufacturer's permit for a
196 farm winery may be a holder of an in-state transporter's permit or a
197 wine festival permit issued pursuant to section 3 of this act, or of both
198 such permits. Any person may be a permittee of more than one permit.
199 A person may be a permittee under a permit provided for in section
200 30-33b and a backer of any other retail on-premise consumption
201 permit, including those permits provided for in section 30-33b. The
202 operator of a racing or jai alai exhibition with pari-mutuel betting
203 licensed by the Gaming Policy Board may be a backer of any permit
204 provided for in section 30-33b. No holder of a manufacturer permit for
205 a brew pub and no spouse or child of such holder may be a holder or
206 backer of more than three restaurant permits or cafe permits.

207 Sec. 6. Section 30-91 of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective from passage*):

209 (a) The sale or the dispensing or consumption or the presence in
210 glasses or other receptacles suitable to permit the consumption of
211 alcoholic liquor by an individual in places operating under hotel
212 permits, restaurant permits, cafe permits, restaurant permits for
213 catering establishments, bowling establishment permits, racquetball
214 facility permits, club permits, coliseum permits, coliseum concession
215 permits, special sporting facility restaurant permits, special sporting
216 facility employee recreational permits, special sporting facility guest
217 permits, special sporting facility concession permits, special sporting
218 facility bar permits, golf country club permits, nonprofit public
219 museum permits, university permits, airport restaurant permits,
220 airport bar permits, airport airline club permits, tavern permits, a
221 manufacturer permit for a brew pub, casino permits, caterer liquor
222 permits and charitable organization permits shall be unlawful on: (1)
223 Monday, Tuesday, Wednesday, Thursday and Friday between the
224 hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between
225 the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday
226 between the hours of two o'clock a.m. and eleven o'clock a.m.; (4)
227 Christmas, except (A) for alcoholic liquor that is served where food is
228 also available during the hours otherwise permitted by this section for
229 the day on which Christmas falls, and (B) by casino permittees at
230 casinos, as defined in section 30-37k; and (5) January first between the
231 hours of three o'clock a.m. and nine o'clock a.m., except that on any
232 Sunday that is January first the prohibitions of this section shall be
233 between the hours of three o'clock a.m. and eleven o'clock a.m.

234 (b) Any town may, by vote of a town meeting or by ordinance,
235 reduce the number of hours during which sales under subsection (a) of
236 this section, except sales pursuant to an airport restaurant permit,
237 airport bar permit or airport airline club permit, shall be permissible.
238 In all cases when a town, either by vote of a town meeting or by
239 ordinance, has acted on the sale of alcoholic liquor or the reduction of
240 the number of hours when such sale is permissible, such action shall

241 become effective on the first day of the month succeeding such action
242 and no further action shall be taken until at least one year has elapsed
243 since the previous action was taken.

244 (c) Notwithstanding any provisions of subsections (a) and (b) of this
245 section, [to the contrary,] such sale or dispensing or consumption or
246 presence in glasses in places operating under a bowling establishment
247 permit shall be unlawful before two p.m. on any day, except in that
248 portion of the permit premises which is located in a separate room or
249 rooms entry to which, from the bowling lane area of the establishment,
250 is by means of a door or doors which shall remain closed at all times
251 except to permit entrance and egress to and from the lane area. Any
252 alcoholic liquor sold or dispensed in a place operating under a bowling
253 establishment permit shall be served in containers such as, but not
254 limited to, plastic or glass. Any town may, by vote of a town meeting
255 or by ordinance, reduce the number of hours during which sales under
256 this subsection shall be permissible.

257 (d) The sale or dispensing of alcoholic liquor in places operating
258 under package store permits, drug store permits, manufacturer
259 permits for beer or grocery store beer permits shall be unlawful on
260 Decoration Day, Independence Day, Labor Day, Thanksgiving Day,
261 New Year's Day, Sunday or Christmas or, if Independence Day,
262 Christmas or New Year's Day occurs on a Sunday, on the Monday next
263 following such day except that such sale or dispensing shall be lawful
264 on any Independence Day occurring on a Saturday; and such sale or
265 dispensing of alcoholic liquor in places operating under package store
266 permits, drug store permits, manufacturer permits for beer and
267 grocery store beer permits shall be unlawful on any other day before
268 eight o'clock a.m. and after nine o'clock p.m. It shall be unlawful for
269 the holder of a manufacturing permit for a brew pub to sell beer for
270 consumption off the premises on the days or hours prohibited by this
271 subsection. Any town may, by a vote of a town meeting or by
272 ordinance, reduce the number of hours during which such sale shall be
273 permissible.

274 (e) In the case of any premises operating under a tavern permit or
275 premises operating under a cafe permit, wherein, under the provisions
276 of this section, the sale of alcoholic liquor is forbidden on certain days
277 or hours of the day, or during the period when a tavern permit or cafe
278 permit is suspended, it shall likewise be unlawful to keep such
279 premises open to, or permit it to be occupied by, the public on such
280 days or hours.

281 (f) The retail sale of wine and the tasting of free samples of wine by
282 visitors and prospective retail customers of a permittee holding a
283 manufacturer permit for a farm winery on the premises of such
284 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
285 after eight o'clock p.m. and on any other day before ten o'clock a.m.
286 and after eight o'clock p.m. Any town may, by vote of a town meeting
287 or by ordinance, reduce the number of hours during which sales and
288 the tasting of free samples of wine under this subsection shall be
289 permissible.

290 (g) Notwithstanding any provision of subsection (a) of this section,
291 [to the contrary,] food or nonalcoholic beverages may be sold,
292 dispensed or consumed in places operating under an airport restaurant
293 permit, an airport bar permit or an airport airline club permit, at any
294 time, as allowed by agreement between the state of Connecticut and its
295 lessees or concessionaires.

296 (h) The sale or the dispensing or consumption or the presence in
297 glasses or other receptacles suitable to permit the consumption of
298 alcoholic liquor by an individual in places operating under a nonprofit
299 golf tournament permit shall be unlawful on any day prior to eleven
300 o'clock a.m. and after nine o'clock p.m.

301 (i) The tasting of free samples of beer by visitors of a permittee
302 holding a manufacturing permit for beer on the premises of such
303 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
304 after eight o'clock p.m. and on any other day before ten o'clock a.m.
305 and after eight o'clock p.m. Nothing in this section shall be construed

306 to limit the right of a holder of such permit to conduct manufacturing
 307 operations at any time. Any town may, by vote of a town meeting or
 308 ordinance, reduce the number of hours during which the tasting and
 309 free samples of beer under this subsection shall be permissible.

310 (j) Nothing in this section shall be construed to require any
 311 permittee to continue the sale or dispensing of alcoholic liquor until
 312 the closing hour established under this section.

313 (k) The retail sale of wine and the tasting of free samples of wine by
 314 visitors and prospective retail customers of a permittee holding a wine
 315 festival permit or an out-of-state entity wine festival permit issued
 316 pursuant to section 3 or 4 of this act shall be unlawful on Sunday
 317 before eleven o'clock a.m. and after eight o'clock p.m., and on any
 318 other day before ten o'clock a.m. and after eight o'clock p.m. Any town
 319 may, by vote of a town meeting or by ordinance, reduce the number of
 320 hours during which the retail sale of wine and the tasting of free
 321 samples of wine pursuant to this subsection shall be permissible.

322 Sec. 7. (NEW) (*Effective from passage*) A permittee holding a wine
 323 festival permit or an out-of-state entity wine festival permit issued
 324 pursuant to section 3 or 4 of this act shall notify the chief municipal
 325 law enforcement official in the municipality in which such permittee
 326 intends to hold a wine festival of the dates and hours such wine
 327 festival is scheduled to take place. Such notification shall be in writing
 328 and shall be delivered to such official not later than seven days prior to
 329 the commencement of such wine festival."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	30-16(c)
Sec. 2	<i>from passage</i>	30-18a
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	30-48(a)
Sec. 6	<i>from passage</i>	30-91

Sec. 7	<i>from passage</i>	New section
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